

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARIE TRAVIS, on behalf of herself and all
others similarly situated,

Plaintiff,

Case No. 2:17-CV-04885-JFB-GRB

-against-

NAVIENT CORPORATION and NAVIENT
SOLUTIONS, INC.,

Defendants.

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITIES IN SUPPORT OF
MOTION TO DISMISS AND MOTION TO STRIKE CLASS ALLEGATIONS**

Defendants Navient Corporation and Navient Solutions, Inc. (collectively, "Defendants") provide notice of the following supplemental authorities which are relevant to the defense of preemption asserted at pages 8-11 of Defendants' Combined Memorandum of Law In Support Of Motion To Dismiss And Motion To Strike Class Allegations (ECF No. 43-1) and pages 2-4 of Defendants' Combined Reply In Support Of Motion To Dismiss And Motion To Strike Class Allegations (ECF No. 48):

1. On March 12, 2018, the U.S. Department of Education published a formal notice in the Federal Register confirming, *inter alia*, its formal position that the express preemption provision in the Higher Education Act ("HEA"), 20 U.S.C. § 1098g, precludes efforts to apply existing State consumer protection laws to Federal Family Education Loan ("FFEL") servicers. *See* U.S. Department of Education, *Federal Preemption and State Regulation of the Department of Education's Federal Student Loan Programs and Federal Student Loan Servicers*, 83 Fed.

Ref. 10619, 10621, 2018 WL 1240656 (Mar. 12, 2018). A copy of the notice is attached as

Exhibit A.

2. The March 12, 2018 notice cites with approval the decision in *Nelson v. Great Lakes Educ. Loan Servs., Inc.*, No. 17-CV-183, 2017 WL 6501919 (S.D. Ill. Dec. 19, 2017). The court in *Nelson* held that the plaintiff's state consumer protection law claims based on allegations of "steering" are preempted by the HEA. A copy of *Nelson* is attached as **Exhibit B.**

Dated: March 15, 2018

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